IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM Nos.13934-35-CI of 2011 &
CM Nos.4673-73-CI of 2011 and
RARF-21-CI of 2011 in
RFA No.1029 of 1989
Date of decision: 2.11.2011

Jagir Singh deceased through LRs .....Appellant(s)

Versus

State of Haryana .....Respondent(s)

CM No.13932-33-CI of 2011 &
CM Nos.4682-83-CI of 2011 and
RARF-22-CI of 2011 in
RFA No.510 of 1989

Madho Singh deceased through LRs .....Appellant(s)

Versus

State of Haryana .....Respondent(s)

CM No.13939-41-CI of 2011 &
CM Nos.4687-88-CI of 2011 and
RARF-23-CI of 2011 in
RFA No.1028 of 1989

Hari Singh through LRs .....Appellant(s)

Versus

State of Haryana .....Respondent(s)

CM No.13930-31-CI of 2011 &
CM Nos.4692-93-CI of 2011 and
RARF-24-CI of 2011 in
RFA No.196 of 1989

Harbhajan Singh and anr. .....Appellant(s)

Versus

State of Haryana .....Respondent(s)

CM No.13936-37-CI of 2011 &
CM Nos.4696-97-CI of 2011 and
RARF-25-CI of 2011 in
RFA No.195 of 1989

Kehar Singh and anr. **.....Appellant(s)**

Versus

State of Haryana **.....Respondent(s)**

CORAM:- HON'BLE MR.JUSTICE RAKESH KUMAR GARG

* * *

Present: Mr. S.K.Sharma Budhladawale, Advocate for the appellant(s).

Rakesh Kumar Garg, J. (Oral)

This order shall dispose of five review applications i.e. RA Nos.21-CI to 25-CI of 2011 which have arisen out of a common order passed in RFA Nos.1029, 510, 1028, 196, 195 of 1989 respectively.

Admittedly, the review has been sought on the basis of subsequent judgment of this Court wherein the amount was assessed at a higher rate.

It is useful to refer to the Explanation appended to Order 47 Rule 1 and 2 of the CPC which read thus:

> *[Explanation.- The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment].”*

In view of the aforesaid express provisions of law, these review petitions are not competent.

Moreover, there is a delay of 84 days in filing the review

applications, 398 days in making up the deficiency in Court fee apart from huge delay of 1246 days in refiling the petition.

It appears that the appellants who have now sought review, had not proceeded with their cases with due diligence and have woken up only after the other landowners got higher compensation. Moreover, in the applications for condonation of delay, no sufficient cause has been shown to condone the huge delay running into years. Thus, the same are also liable to be dismissed.

Thus, the review petitions and all other applications are ordered to be dismissed.

A photocopy of this order be placed on the files of other connected matters.

November 2, 2011 **(RAKESH KUMAR GARG)**
ps **JUDGE**